

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,

v.

JOSEPH A. CAMMARATA, et al.,

Defendants.

Criminal Action No. 2:21-cr-00427-CFK

**DEFENDANT JOSEPH CAMMARATA'S  
THIRD UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO FILE POST-  
TRIAL MOTIONS PURSUANT TO  
FEDERAL RULES OF CRIMINAL  
PROCEDURE 29 AND 33**

On October 26, 2022, the jury returned a guilty verdict in the above captioned case against Defendant Joseph Cammarata. Mr. Cammarata, through counsel, respectfully requests additional time to assess and file post-trial motions pursuant to Federal Rules of Criminal Procedure 29 and 33.

On December 9, 2022, counsel for Defendant Joseph Cammarata filed an Unopposed Motion for Extension of Time to File Post-trial motions. On December 9, 2022, the Court granted the motion and currently, the motions are due on January 10, 2023. Thus, this application is timely. *See* Fed. R. Crim. P. 45(b)(1)(A) (noting courts may extend time for acts before previously extended time expires); *United States v. Clark*, No. CR 19-00015-1, 2020 WL 5269625, at \*10 (E.D. Pa. Sept. 3, 2020) (recognizing Rule 45 applies in context of Rule 29 and 33 motions).

In early November, counsel for Mr. Cammarata sent him a hard drive via FedEx with the trial transcripts, trial exhibits, and other discovery-related documents. FedEx attempted delivery of the drive on November 11, 2022, and again on November 14, 2022, before reporting the drive as delivered on November 15, 2022. After learning that Mr. Cammarata had still not received the drive as of November 29, 2022, counsel for Mr. Cammarata reached out to the Federal

Detention Center and learned that, because the drive was sent via FedEx, it had been sent to the Federal Detention Center's "Outside Warehouse," but that the Legal Department would try to retrieve the drive. It is defense counsel's understanding that on January 4, 2023, Mr. Cammarata finally received the drive, but he was unable to access its contents until today, January 6, due to a lack of access to the laptop computer previously provided to him or any other computer.

Moreover, defense counsel has continued to attempt to discuss matters with Mr. Cammarata via videoconference. Mr. Cammarata's counsel requested privileged videoconferences for the following dates in December 2022: December 1, 6, 8, 13, 15, 20, 22, 27, and 29. The Legal Department at FDC Philadelphia only scheduled videoconferences for one hour on December 6 and 20. Most recently, Mr. Cammarata's counsel requested privileged videoconferences for January 2023 on January 5, 10, and 12. On the morning of January 5, 2023, counsel was informed by the Legal Department that "FDC Philadelphia has suspended Legal Video Visitation (VTC.)"

Additionally, as reflected in the pro se filings filed by Mr. Cammarata on January 4, 2023, in both this action (ECF No. 237) and the civil action before this Court (*Securities and Exchange Commission v. Cammarata, et al.*, 21-cv-4845 (ECF No. 189)) (hereinafter, "SEC Action"), Mr. Cammarata needs additional time to review the trial materials that were sent to

him and to consult with his counsel about potential motions.<sup>1, 2</sup>

Thus, Mr. Cammarata respectfully requests that the time to file post-trial motions pursuant to Federal Rules of Criminal Procedure 29 and 33 be extended to February 3, 2023 so that he can review the trial transcripts and exhibits, meaningfully confer with his counsel, and file any appropriate post-trial motions. Mr. Cammarata's counsel has conferred with counsel for the government and is informed that the government does not oppose this motion.

Dated: January 6, 2023

THE ROSSMAN FIRM

By: /s/ Mariana Rossman

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Counsel continued on the following page.

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<sup>1</sup> An extension is also necessary because Mr. Cammarata indicated that, due to strategic differences with counsel, in the event the Court denied his *pro se* motion to file a Rule 29 motion on his own behalf while still represented by current counsel, he might terminate counsel of record's representation and seek leave of the Court to proceed *pro se* in order to file post-trial motions on his own. (See SEC Action, ECF No. 189 at 3.) The Court has since denied Mr. Cammarata's motion to file a Rule 29 motion on his own behalf while represented by current counsel. (ECF No. 238.) If Mr. Cammarata were to seek leave to proceed *pro se*, defense counsel wants to preserve his ability to submit his own Rule 29 and/or 33 motions pending resolution of that matter.

<sup>2</sup> Defense counsel is aware of the Court's Order (ECF No. 238) requiring counsel to verify a representation made by Mr. Cammarata in his *pro se* filing that counsel "will not file any motions." Counsel will comply with this Order, and notes that the date ordered by the Court for such verification is January 18, 2023, which is 8 days after the motions would currently be due.

Dated: January 6, 2023

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By: /s/ Reuven L. Cohen

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**PROPOSED FORM OF ORDER**

AND NOW, on this \_\_\_\_ day of January, 2023 it is hereby ORDERED that Defendant Joseph Cammarata's Third Unopposed Motion for Extension of Time to File Post-Trial Motions Pursuant to Federal Rules of Criminal Procedure 29 and 33 is GRANTED. It is further ordered that the time to file such motions will be extended to February 3, 2023.

Dated: \_\_\_\_\_, 2023

\_\_\_\_\_  
The Honorable Chad F. Kenney  
United States District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Third Unopposed Motion for Extension of Time to File Post-Trial Motions Pursuant to Federal Rules of Criminal Procedure 29 and 33 has been served via email upon all counsel of record.

Dated: January 6, 2023

/s/ Mariana Rossman  
Mariana Rossman